

IN RE: PETITION FOR RESIDENTIAL \* BEFORE THE  
ZONING VARIANCE \*  
S/S Liberty Road, 80.3 ft. (+/-) \* ZONING COMMISSIONER  
NW of c/l St. James \*  
8315 Liberty Road \* OF BALTIMORE COUNTY  
2nd Election District \*  
2nd Councilmanic District \* Case No. 95-126-A  
David L. Moeslein, et ux \*  
Petitioners \*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by David L. Moeslein and Mary M. Moeslein, his wife, for that property known as 8315 Liberty Road near the George's Park subdivision of Baltimore County. The Petitioner/property owners herein seek a variance from Section 402.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 12 ft. (+/-) and a total sum of both side yards of 30 ft. (+/-) in lieu of the required 15 ft. and 35 ft. respectively; and a lot width of 65 ft., in lieu of the required 80 ft., all as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits

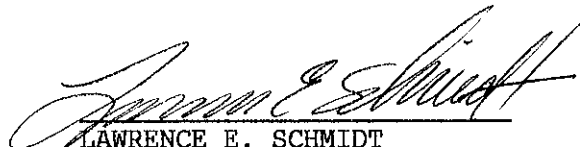
MICROFILMED

submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of November, 1994 that the Petition for a Zoning Variance from Section 402.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 12 ft. (+/-) and a total sum of both side yards of 30 ft. (+/-) in lieu of the required 15 ft. and 35 ft. respectively; and a lot width of 65 ft., in lieu of the required 80 ft., in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:mmn

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

November 1, 1994

Mr. and Mrs. David L. Moeslein  
8315 Liberty Road  
Baltimore, Maryland 21244

RE: Petition for Administrative Zoning Variance  
Case No. 95-126-A  
Property: 8315 Liberty Road

Dear Mr. and Moeslein:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmn  
encl.

cc: William Monk, Inc., 222 Bosely Avenue, Suite B-7, Towson Md. 21204  
cc: Mr. James Webb, 8313 Liberty Road, Balto. Md. 21244





# Petition for Administrative Variance

95-126-A

## to the Zoning Commissioner of Baltimore County

for the property located at 8315 Liberty Road

which is presently zoned D.R.5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 402.1 for:

- a) a side yard setback of 12' +/- and total sum of both side yards of 30' +/- in lieu of the required 15' and 35' respectively;
- b) a lot width of 65' in lieu of the required 80'

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) see attached statement of hardship and practical difficulty

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s).

David L. Moeslein

(Type or Print Name)

Signature

Mary M. Moeslein

(Type or Print Name)

Signature

8315 Liberty Road

655-0095

Address

Phone No.

Baltimore, MD

21207

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Sarah Mayberry

William Monk, Inc.

Name

222 Bosley Ave, Ste B-7 494-8931

Address

Phone No.

Towson, MD 21204

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted

Zoning Commissioner of Baltimore County

REVIEWED BY: R.T.

DATE: 10-4-94

ESTIMATED POSTING DATE: 10-16-94



Printed with Soybean Ink  
on Recycled Paper

ITEM #: 126

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# Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 8315 Liberty Road

address

Baltimore

MD

21207

City

State

Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)  
see attached statement of hardship and practical difficulty.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

David L. Moeslein  
(signature)

David L. Moeslein

(type or print name)



Mary M. Moeslein  
(signature)

Mary M. Moeslein

(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 3rd day of October, 19 94, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

David L. Moeslein

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

10/3/94  
date

Theresa M. Hooley  
NOTARY PUBLIC

My Commission Expires:

July 12, 1998

## **WILLIAM MONK, INC.**

LAND USE PLANNING • LANDSCAPE DESIGN

95-126-A

**8315 LIBERTY ROAD  
BALTIMORE COUNTY, MARYLAND**

### **STATEMENT OF HARDSHIP AND PRACTICAL DIFFICULTY**

The conversion of the single family dwelling to a duplex occurred in 1959. This can be verified by tax records and affidavits of occupants and adjacent property owners. A building permit was obtained and the 572 square foot addition was built at the same time. The dwelling has been used consistently as a duplex since its conversion. Many of the neighboring properties were converted to duplex dwelling following the conversion of this property.

The granting of these variances will not have a negative impact on the surrounding neighborhood as no changes or alterations from what has existed since 1959 are proposed. Bringing the property into compliance with setbacks would necessitate a large and lengthy construction process and an increase in lot width is not possible as both adjacent properties are currently improved. Both alternatives would cause undue hardship and practical difficulty.

a:general/liberty.doc

ITEM # 126

**WILLIAM MONK, INC.**

95-126-A

LAND USE PLANNING • LANDSCAPE DESIGN

**ZONING DESCRIPTION FOR 8315 LIBERTY ROAD**

Beginning at a point on the southwest side of Liberty Road which is 80' wide at the distance of 80.3' northwest of the centerline of St. James Road which is 20' wide. Being Lot # 2, Plat 3, in the subdivision of Georges Park as recorded in Baltimore County Plat Book # 7, Folio # 95, saving and excepting a portion of Lot 2 granted to State of Maryland Roads Commission.

Beginning for the same on the southwest side of Liberty Road at a point 80.3' northwest from the centerline of St. James Road and running thence and binding south 36° 30' east 182' thence north 55° 51' west 65'; thence north 36° 30' east 182' to the aforementioned southwest side of Liberty Road and thence binding on said Liberty Road south 55 ° 51' east 65 ' to the point of beginning. Containing 11,830 square feet (.27 a.). Also known as 8315 Liberty Road and located in the 2nd Councilmanic District.

liberty.doc

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ITEM # 126

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

93-126-A

District: 2nd

Date of Posting: 10/14/94

Posted for: Neveline

Petitioner: David & Mary Moseloin

Location of property: 8315 Liberty Rd, 3/5

Location of Signs: Facing road way on front being zoned.

Remarks:

Posted by: [Signature]  
Signature

Date of return: 10/21/94

Number of Signs: 1







Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Date

10-4-96

MOESLEIN

8315 LIBERTY RD.

010- VARIANCE - \$ 50<sup>00</sup>

080- SIGN - \$ 35<sup>00</sup>

TOTAL - \$ 85<sup>00</sup>

receipt

95-126-A

Account: R-001-6150

Number 126

N.T.

RECEIVED  
BALTIMORE COUNTY  
OCT 10 1996

RECEIVED  
BALTIMORE COUNTY  
OCT 10 1996

Please Make Checks Payable To: Baltimore County

Cashier Validation

Item Number: 126  
Planner: RT  
Date Filed: 10-4-94

P E T I T I O N   P R O C E S S I N G   F L A G

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

\_\_\_\_\_  
Need an attorney

\_\_\_\_\_  
The following information is missing:

\_\_\_\_\_  
Descriptions, including accurate beginning point  
\_\_\_\_\_  
Actual address of property  
\_\_\_\_\_  
Zoning  
\_\_\_\_\_  
Acreage  
\_\_\_\_\_  
Plats (need 12, only \_\_\_\_ submitted)  
\_\_\_\_\_  
200 scale zoning map with property outlined  
\_\_\_\_\_  
Election district  
\_\_\_\_\_  
Councilmanic district  
\_\_\_\_\_  
BCZR section information and/or wording  
\_\_\_\_\_  
Hardship/practical difficulty information  
\_\_\_\_\_  
Owner's signature (need minimum 1 original signature) and/or  
\_\_\_\_\_  
printed name and/or address and/or telephone number  
\_\_\_\_\_  
Contract purchaser's signature (need minimum 1 original  
\_\_\_\_\_  
signature) and/or printed name and/or address  
\_\_\_\_\_  
Signature (need minimum 1 original signature) and/or  
\_\_\_\_\_  
printed name and/or title of person signing for legal  
owner/contract purchaser  
\_\_\_\_\_  
Power of attorney or authorization for person signing for  
legal owner and/or contract purchaser  
\_\_\_\_\_  
Attorney's signature (need minimum 1 original signature)  
\_\_\_\_\_  
and/or printed name and/or address and/or telephone number  
\_\_\_\_\_  
✓ Notary Public's section is incomplete and/or incorrect  
\_\_\_\_\_  
~~and/or commission has expired~~

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

OCT. 24 1994

David L. Moeslein  
8315 Liberty Road  
Baltimore, Maryland 21207

Re: Item, #126 , Case #95-126  
Petitioner: Mr./Mrs. D.L. Moeslein

Dear Petitioner:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on October 4, 1994 and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.
- 2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.
- 3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.  
Zoning Supervisor

WCR:jaw



BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director      DATE: October 24, 1994  
Zoning Administration and Development Management

*RWB* FROM: Robert W. Bowling, P.E., Chief  
Developers Engineering Section

RE: Zoning Advisory Committee Meeting  
for October 24, 1994  
Items 125, 126, 127, 130, 132, 134 and 135

The Developers Engineering Section has reviewed  
the subject zoning items and we have no comments.

RWB:sw

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 10/21/94

FROM: DEPRM  
Development Coordination

SUBJECT: Zoning Advisory Committee  
Agenda: Oct. 17, 1994

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

125  
126  
Rev. # 124  
133

LS:sp

LETTY2/DEPRM/TXTSBP

B A L T I M O R E   C O U N T Y ,   M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO:     Arnold Jablon, Director  
          Zoning Administration and  
          Development Management

DATE:   October 18, 1994

FROM:    Pat Keller, Director  
          Office of Planning and Zoning

SUBJECT:   Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 125, (126), 128, 130 and 135.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: \_\_\_\_\_

Division Chief: \_\_\_\_\_

PK/JL:lw

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Baltimore County Government  
Fire Department



700 East Joppa Road  
Towson, MD 21286-5500

Office of the Fire Marshal  
(410) 887-4880

DATE: 10/19/94

To: Ald. Jablon  
Zoning Administrator and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF 10/13/94.

Item No.: SEE BELOW

Zoning Agenda:

Comments:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 123, 124, 127, 128, 129,  
130, 131, 133 AND 135.

RECEIVED  
OCT 20 1994

ZADM

REVIEWER: LT. ROBERT P. SAUERHOLD  
Fire Marshal Office, PHONE (877-4881), 877-1111

cc: File

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Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

OCTOBER 14, 1994

NOTICE OF CASE NUMBER ASSIGNMENT

TO: David and Mary Moeslein  
8315 Liberty Road  
Baltimore, Maryland 21207

Re: CASE NUMBER: 95-126-A (Item Number: 126)  
8315 Liberty Road  
S/S Liberty Road, 80.3' +/- NW of centerline St. James  
2nd Election District - 2nd Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before October 16, 1994. The closing date (October 31, 1994) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

cc: Sarah Mayberry/William Monk, Inc.





Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

October 25, 1994

Mr. & Mrs. David L. Moeslein, Sr.  
8315 Liberty Road  
Baltimore, MD 21244-3127

RE: Zoning Case #95-126-A  
8315 Liberty Road  
2nd Election District

Dear Mr. & Mrs. Moeslein:

Reference is made to your letter of October 20, 1994 in which you outlined the recent history of your property and the circumstances that led to a conflict with Section 402 of the Baltimore County Zoning Regulations (BCZR). Of particular interest to us and unfortunately in your case, the conversion to two apartments occurred after March 30, 1955 (the effective date of the standards and controls in the above referenced section). For whatever reason (which may never be known), apparently your dwelling was converted without benefit of either: (A) meeting the required standards, setbacks, etc.; or (B) relief granted via a variance (at that time, a public hearing only process).

To resolve the conflict, you have made application for a residential administrative variance, which by law requires 30 days total for owner-occupied properties. In a couple of days (October 31, 1994) should there be no demand for a public hearing, the file will be sent to the Zoning Commissioner, who will finally review the request and render a decision. Your reasons and current "plight" regarding the impending sale of the property and escalating interest rates are compelling and your hardship seems to be valid; however, the final decision must be made by the Zoning Commissioner. The administrative variance is the least expensive and time-consuming process for legally resolving the conflict and I can assure you that this office has, and will, process your request within the minimum time frame allowed under the law. However, be aware that if a request for a hearing is requested, then there will be a delay caused by the scheduling of a public hearing.



Mr. & Mrs. David L. Moeslein, Sr.  
October 25, 1994  
Page 2

I certainly appreciate the concern and consternation caused by this problem, but we are constrained by law as to what we can do to help. Unfortunately, the process is dictated. The conversion was illegal, and the only way to rectify the problem is to undergo this process.

Should you have any additional questions regarding your application and request, please feel free to contact Carl Richards or myself in this office at 887-3391.

Very truly yours,



Arnold Jablon  
Director

AJ:WCR:scj

cc: W. Carl Richards, Jr.  
Sarah Mayberry  
William Monk, Inc.

MICROFILMED

DAVID LEE MOESLEIN SR.  
8315 LIBERTY ROAD  
BALTIMORE, MD. 21244-3127

OCTOBER 28, 1994

BALTIMORE COUNTY GOVERNMENT  
OFFICE OF ZONING ADMINISTRATION  
111 WEST CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204

ATTENTION: MR. ARNOLD JABLON, DIRECTOR

RE: CASE NUMBER 95-126-A (ITEM NUMBER 126)

DEAR MR. JABLON,

WE ARE IN RECEIPT OF YOUR LETTER OF OCTOBER 14, 1994 ADVISING OF THE PETITION FOR ADMINISTRATIVE ZONING VARIANCE HAVING BEEN POSTED AS OF OCTOBER 14, 1994.

WE ARE AWARE THAT YOU ARE NOT PERSONALLY INVOLVED IN OUR CASE HOWEVER, WE WOULD LIKE TO EXPRESS OUR REASON FOR AN EXPEDITIOUS GRANT TO THIS VARIANCE.

WE, THE OWNERS OF THE PROPERTY WOULD LIKE TO REITERATE THE FACT THAT THIS ORIGINAL SINGLE FAMILY DWELLING WAS CONVERTED TO A SECOND FLOOR APARTMENT, AND A FIRST FLOOR APARTMENT - BY ADDING AN ADDITION ON THE FIRST FLOOR IN 1959 PRIOR TO THE BIRTH OF OUR FIRST SON. THE THEN OWNERS WERE GEORGE AND CONNIE DAVIDSON, PARENTS OF PRESENT OWNER MARY M. MOESLEIN. ON COMPLETION OF THE RENOVATION, WE THE PRESENT OWNERS RESIDED IN THE SECOND FLOOR APARTMENT FOR FOUR (4) YEARS WHEN WE BOUGHT A HOME, AND MOVED. AT THAT TIME (1963) THE APARTMENT WAS RENTED. IN 1980, ON THE RETIREMENT OF GEORGE DAVIDSON, IT WAS DECIDED THAT THE MOESLEIN'S SELL THEIR HOME AND PURCHASE THE PARENTS PROPERTY AT 8315 LIBERTY ROAD. WE PURCHASED THE PROPERTY FROM GEORGE AND CONNIE DAVIDSON AND HAVE BEEN RESIDING THERE SINCE, USING THE HOUSE AGAIN AS A SINGLE FAMILY DWELLING. IN 1987, WHEN OUR YOUNGEST SON GRADUATED FROM COLLEGE, HE MOVED BACK HOME AND LIVED IN THE SECOND FLOOR APARTMENT UNTIL OCTOBER 1, 1994.

THE PROPERTY LINE CONTROVERSY, IS REALLY MISLEADING SINCE THE PROPERTY WAS REDUCED AT THE TIME LIBERTY ROAD WAS WIDENED. THE APARTMENT WAS IN EFFECT PRIOR TO THIS REDUCTION IN PROPERTY.

OUR MAIN CONCERN NOW IS THAT THE NEW BUYER WOULD LIKE TO GO TO SETTLEMENT AS SOON AS POSSIBLE SINCE THE MORTGAGE INTEREST RATE WAS NOT FROZEN AND KEEPS ESCALATING.

WE FEEL THAT WE ARE BEING PENALIZED BECAUSE A VARIANCE WAS NEVER OBTAINED PREVIOUSLY. WE WERE TOTALLY UNAWARE OF IT'S NECESSITY AND SINCE THIS HOUSE HAS BEEN IN OUR FAMILY SINCE 1937, NATURALLY, WE FELT EVERYTHING WAS AS IT SHOULD BE. IF THE BUYER HAD NOT OBTAINED AN FHA LOAN WE DO NOT FEEL THE PROBLEM WOULD HAVE COME UP SINCE IT DID NOT WHEN WE PURCHASED THE HOUSE FROM OUR FAMILY IN 1980.

THERE ARE HOUSES NEXT DOOR, ACROSS THE STREET AND BEHIND US AND ON ST. JAMES ROAD THAT ALL HAVE APARTMENTS AND WE DOUBT THAT THEY HAVE ANY VARIANCES SINCE THEIR APARTMENTS HAVE BEEN THERE AS LONG AS OURS.

WHY DO WE HAVE TO OBTAIN PERMISSION TO HAVE SOMETHING WE HAVE HAD, WITHOUT COMPLAINT, FOR 35 YEARS?

IT WOULD BE GREATLY APPRECIATED IF WE COULD HEAR FROM YOU REGARDING OUR PLIGHT. AT THE PRESENT TIME WE ARE UP AGAINST TIME AS OUR BUYER CAN ONLY GET HER LOAN IF THE APARTMENT REMAINS TO SUBSTANTIATE HER INCOME FOR THE MORTGAGE.

THANK YOU FOR ANYTHING YOU CAN DO TO HASTEN THE CONCLUSION OF THIS EXPENSIVE BUREAUCRATIC NIGHTMARE.

VERY TRULY YOURS,

  
DAVID LEE MOESLEIN SR.

  
MARY M. MOESLEIN  
(NEE DAVIDSON)

RECEIVED  
OCT 30 1994  
BALTIMORE COUNTY GOVERNMENT

10/21/94 5780-94  
if  
to work  
please prepare  
response for me

DAVID LEE MOESLEIN SR.  
8315 LIBERTY ROAD  
BALTIMORE, MD. 21244-3127

OCTOBER 20, 1994

BALTIMORE COUNTY GOVERNMENT  
OFFICE OF ZONING ADMINISTRATION  
111 WEST CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204

ATTENTION: MR. ARNOLD JABLON, DIRECTOR

RE: CASE NUMBER 95-126-A (ITEM NUMBER 126)

DEAR MR. JABLON,

WE ARE IN RECEIPT OF YOUR LETTER OF OCTOBER 14, 1994 ADVISING OF THE PETITION FOR ADMINISTRATIVE ZONING VARIANCE HAVING BEEN POSTED AS OF OCTOBER 14, 1994.

WE ARE AWARE THAT YOU ARE NOT PERSONALLY INVOLVED IN OUR CASE HOWEVER, WE WOULD LIKE TO EXPRESS OUR REASON FOR AN EXPEDITIOUS GRANT TO THIS VARIANCE.

WE, THE OWNERS OF THE PROPERTY WOULD LIKE TO REITERATE THE FACT THAT THIS ORIGINAL SINGLE FAMILY DWELLING WAS CONVERTED TO A SECOND FLOOR APARTMENT, AND A FIRST FLOOR APARTMENT - BY ADDING AN ADDITION ON THE FIRST FLOOR IN 1959 PRIOR TO THE BIRTH OF OUR FIRST SON. THE THEN OWNERS WERE GEORGE AND CONNIE DAVIDSON, PARENTS OF PRESENT OWNER MARY M. MOESLEIN. ON COMPLETION OF THE RENOVATION, WE THE PRESENT OWNERS RESIDED IN THE SECOND FLOOR APARTMENT FOR FOUR (4) YEARS WHEN WE BOUGHT A HOME, AND MOVED. AT THAT TIME (1963) THE APARTMENT WAS RENTED. IN 1980, ON THE RETIREMENT OF GEORGE DAVIDSON, IT WAS DECIDED THAT THE MOESLEIN'S SELL THEIR HOME AND PURCHASE THE PARENTS PROPERTY AT 8315 LIBERTY ROAD. WE PURCHASED THE PROPERTY FROM GEORGE AND CONNIE DAVIDSON AND HAVE BEEN RESIDING THERE SINCE, USING THE HOUSE AGAIN AS A SINGLE FAMILY DWELLING. IN 1987, WHEN OUR YOUNGEST SON GRADUATED FROM COLLEGE, HE MOVED BACK HOME AND LIVED IN THE SECOND FLOOR APARTMENT UNTIL OCTOBER 1, 1994.

THE PROPERTY LINE CONTROVERSY, IS REALLY MISLEADING SINCE THE PROPERTY WAS REDUCED AT THE TIME LIBERTY ROAD WAS WIDENED. THE APARTMENT WAS IN EFFECT PRIOR TO THIS REDUCTION IN PROPERTY.

OUR MAIN CONCERN NOW IS THAT THE NEW BUYER WOULD LIKE TO GO TO SETTLEMENT AS SOON AS POSSIBLE SINCE THE MORTGAGE INTEREST RATE WAS NOT FROZEN AND KEEPS ESCALATING.

WE FEEL THAT WE ARE BEING PENALIZED BECAUSE A VARIANCE WAS NEVER OBTAINED PREVIOUSLY. WE WERE TOTALLY UNAWARE OF IT'S NECESSITY AND SINCE THIS HOUSE HAS BEEN IN OUR FAMILY SINCE 1937, NATURALLY, WE FELT EVERYTHING WAS AS IT SHOULD BE. IF THE BUYER HAD NOT OBTAINED AN FHA LOAN WE DO NOT FEEL THE PROBLEM WOULD HAVE COME UP SINCE IT DID NOT WHEN WE PURCHASED THE HOUSE FROM OUR FAMILY IN 1980.

THERE ARE HOUSES NEXT DOOR, ACROSS THE STREET AND BEHIND US AND ON ST. JAMES ROAD THAT ALL HAVE APARTMENTS AND WE DOUBT THAT THEY HAVE ANY VARIANCES SINCE THEIR APARTMENTS HAVE BEEN THERE AS LONG AS OURS.

WHY DO WE HAVE TO OBTAIN PERMISSION TO HAVE SOMETHING WE HAVE HAD, WITHOUT COMPLAINT, FOR 35 YEARS?

IT WOULD BE GREATLY APPRECIATED IF WE COULD HEAR FROM YOU REGARDING OUR PLIGHT. AT THE PRESENT TIME WE ARE UP AGAINST TIME AS OUR BUYER CAN ONLY GET HER LOAN IF THE APARTMENT REMAINS TO SUBSTANTIATE HER INCOME FOR THE MORTGAGE.

THANK YOU FOR ANYTHING YOU CAN DO TO HASTEN THE CONCLUSION OF THIS EXPENSIVE BUREAUCRATIC NIGHTMARE.

VERY TRULY YOURS,

*David Lee Moeslein Sr.*  
DAVID LEE MOESLEIN SR.

*Mary M. Moeslein*  
MARY M. MOESLEIN  
(NEE DAVIDSON)

RECEIVED  
OCT 21 1994

ZADM

95-126-A

TO WHOM IT MAY CONCERN;

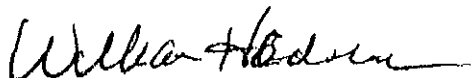
THE UNDERSIGNED HAS RESIDED AT 8305 LIBERTY ROAD, BALTIMORE, MD. 21244 SINCE 1955.

THE PREVIOUS OWNER OF THE PROPERTY KNOWN AS 8315 LIBERTY ROAD, BALTIMORE, MD. 21244 ( GEORGE & CONNIE DAVIDSON ) CONVERTED THEIR HOUSE UPSTAIRS (2ND FLOOR) TO AN APARTMENT IN APRIL, 1959. THIS CONVERSION WAS TO ACCOMMODATE THEIR DAUGHTER, MARY M. MOESLEIN (DAVIDSON) AND HER HUSBAND, DAVID LEE MOESLEIN.

IN JUNE, 1980, DAVID AND MARY MOESLEIN PURCHASED THE PROPERTY FROM GEORGE AND CONNIE DAVIDSON.

THIS IS TO INFORM YOUR OFFICE, THAT I HAVE NO OBJECTION TO THERE BEING A VARIANCE REQUESTED ON SAID PROPERTY HAVING AN APARTMENT ON THE SECOND FLOOR OF 8315 LIBERTY ROAD, BALTIMORE, MD. 21244

IF I CAN BE OF ANY FURTHER ASSISTANCE, I MAY BE CONTACTED AT 410-922-4341



WILLIAM ADOLPH

OCTOBER 3, 1994

ITEM#126

THE UNDERSIGNED HAS RESIDED AT 8319 LIBERTY ROAD, BALTIMORE, MD. 21244 SINCE 1955

95-126-A

THE UNDERSIGNED HAS RESIDED AT 8317 LIBERTY ROAD, BALTIMORE, MD. 21244 SINCE 1955.

THE PREVIOUS OWNER OF THE PROPERTY KNOWN AS 8315 LIBERTY ROAD, BALTIMORE, MD. 21244 ( GEORGE & CONNIE DAVIDSON ) CONVERTED THEIR HOUSE UPSTAIRS (2ND FLOOR) TO AN APARTMENT IN APRIL, 1959. THIS CONVERSION WAS TO ACCOMMODATE THEIR DAUGHTER, MARY M. MOESLEIN (DAVIDSON) AND HER HUSBAND, DAVID LEE MOESLEIN.

IN JUNE, 1980, DAVID AND MARY MOESLEIN PURCHASED THE PROPERTY FROM GEORGE AND CONNIE DAVIDSON.

THIS IS TO INFORM YOUR OFFICE, THAT I HAVE NO OBJECTION TO THERE BEING A VARIANCE REQUESTED ON SAID PROPERTY HAVING AN APARTMENT ON THE SECOND FLOOR OF 8315 LIBERTY ROAD, BALTIMORE, MD. 21244

IF I CAN BE OF ANY FURTHER ASSISTANCE, I MAY BE CONTACTED AT 410-795-9161.

*Ada Digbins*

ADA DIGBINS

ITEM #126

DAVID LEE MOESLEIN SR.  
MARY M. MOESLEIN  
8315 LIBERTY ROAD  
BALTIMORE, MD. 21244-3127

95-126-A

OCTOBER 3, 1994

TO WHOM IT MAY CONCERN;

WE, THE OWNERS OF THE PROPERTY AT 8315 LIBERTY ROAD, BALTIMORE COUNTY, BALTIMORE, MD. 21244, WOULD LIKE TO REITERATE THE FACT THAT THIS ORIGINAL SINGLE FAMILY DWELLING WAS CONVERTED TO A SECOND FLOOR APARTMENT, AND A FIRST FLOOR APARTMENT - BY ADDING AN ADDITION ON THE FIRST FLOOR, IN 1959 PRIOR TO THE BIRTH OF OUR FIRST SON. THE THEN OWNERS WERE GEORGE AND CONNIE DAVIDSON, PARENTS OF PRESENT OWNER MARY M. MOESLEIN. ON COMPLETION OF THE RENOVATION, WE THE PRESENT OWNERS RESIDED IN THE SECOND FLOOR APARTMENT FOR FOUR (4) YEARS WHEN WE BOUGHT A HOME, AND MOVED. AT THAT TIME (1963) THE APARTMENT WAS RENTED. IN 1980, ON THE RETIREMENT OF GEORGE DAVIDSON, IT WAS DECIDED THAT THE MOESLEIN'S SELL THEIR HOME AND PURCHASE THE PARENTS PROPERTY AT 8315 LIBERTY ROAD, BALTIMORE COUNTY, BALTIMORE, MARYLAND, 21244.

WE PURCHASED THE PROPERTY FROM GEORGE AND CONNIE DAVIDSON AND HAVE BEEN RESIDING THERE SINCE.

IN 1987, WHEN OUR YOUNGEST SON GRADUATED FROM COLLEGE, HE MOVED BACK HOME AND LIVED IN THE SECOND FLOOR APARTMENT.

THE TWO ACCOMPANYING LETTERS ARE SUBMITTED AS PROOF THAT THE SECOND FLOOR APARTMENT HAS EXISTED SINCE APRIL, 1959. MR. WILLIAM ADOLPH AND MRS. ADA DIGGINS ARE THE ONLY ORIGINAL RESIDENTS STILL RESIDING IN THE 8300 BLOCK OF LIBERTY ROAD.

SINCE THE PROPERTY AT 8315 LIBERTY ROAD HAS BEEN SOLD AS A TWO APARTMENT DWELLING, IT WOULD BE APPRECIATED IF THE ADMINISTRATIVE VARIANCE BE GRANTED IN A TIMELY MANNER TO EXPEDITE SETTLEMENT ON THIS PROPERTY.

VERY TRULY YOURS,

  
DAVID LEE MOESLEIN SR.

  
MARY M. MOESLEIN  
(NEE DAVIDSON)

LTRS OF WILLIAM ADOLPH AND ADA DIGGINS ATTACHED

TO WHOM IT MAY CONCERN;

ITEM #126

95-126-A



**WILLIAM MONK, INC**  
PLANNING • LANDSCAPE DESIGN  
ENVIRONMENTAL RESOURCE MANAGEMENT

COURTHOUSE COMMONS  
222 BOSLEY AVENUE, SUITE B-7  
TOWSON, MARYLAND 21204  
(410) 494-8931

**AERIAL PHOTO  
TO ACCOMPANY  
ADMINISTRATIVE  
VARIANCE  
APPLICATION**

**8315 LIBERTY ROAD  
BALTIMORE COUNTY, MARYLAND**

**APPLICANT:**

**DAVID L. MOESLEIN  
MARY M. MOESLEIN  
8315 LIBERTY ROAD  
BALTIMORE, MD 21244**

**NW-6-H**

**1"=200'**

**94-90**

**MICROFILMED**

*ITEM # 126*



COURTHOUSE COMMONS  
222 BOSLEY AVENUE  
SUITE B-7  
TOWSON, MD 21204  
410-494-8931  
FAX 410-494-9903

**WILLIAM MONK, INC.**

95-126-A

LAND USE PLANNING • LANDSCAPE DESIGN

**8315 LIBERTY ROAD**



VIEW LOOKING TOWARDS REAR OF SITE



VIEW LOOKING TOWARDS FRONT OF SITE

ITEM # 126

COURTHOUSE COMMONS  
222 BOSLEY AVENUE  
SUITE B-7  
TOWSON, MD 21204  
410-494-8931  
FAX 410-494-9903

**WILLIAM MONK, INC.**

95-126-A

LAND USE PLANNING • LANDSCAPE DESIGN



**LIBERTY ROAD LOOKING WEST**



**LIBERTY ROAD LOOKING EAST**

LIBERTY ROAD

ITEM # 126

COURTHOUSE COMMONS  
222 BOSLEY AVENUE  
SUITE B-7  
TOWSON, MD 21204  
410-494-8931  
FAX 410-494-9903

**WILLIAM MONK, INC.**

95-126-A

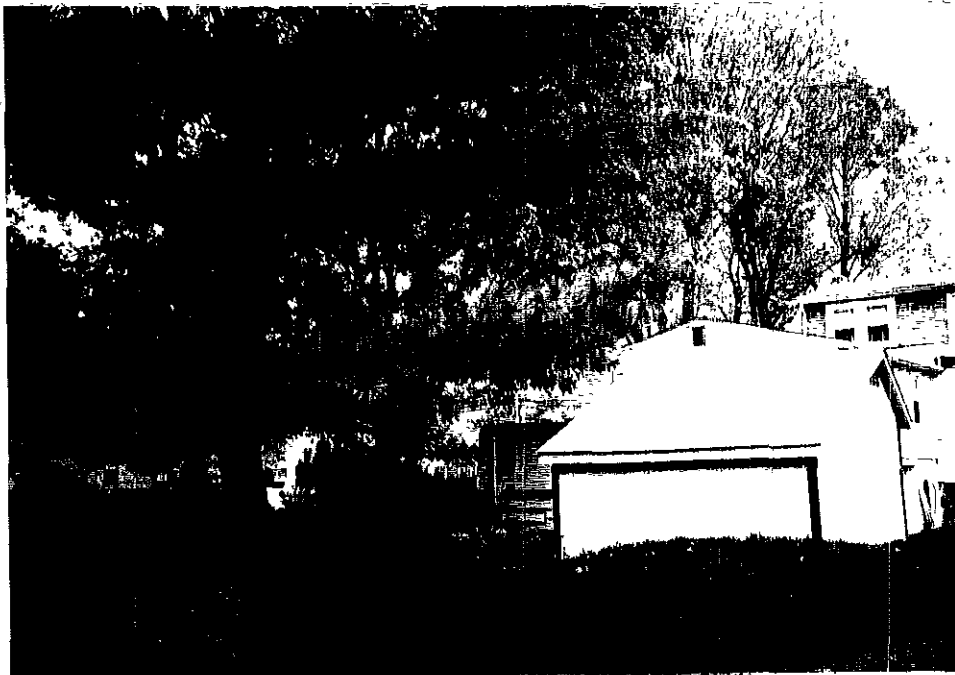
LAND USE PLANNING • LANDSCAPE DESIGN

**8315 LIBERTY ROAD**



**VIEW FROM SOUTHWEST CORNER**

SUBJECT  
PROP.

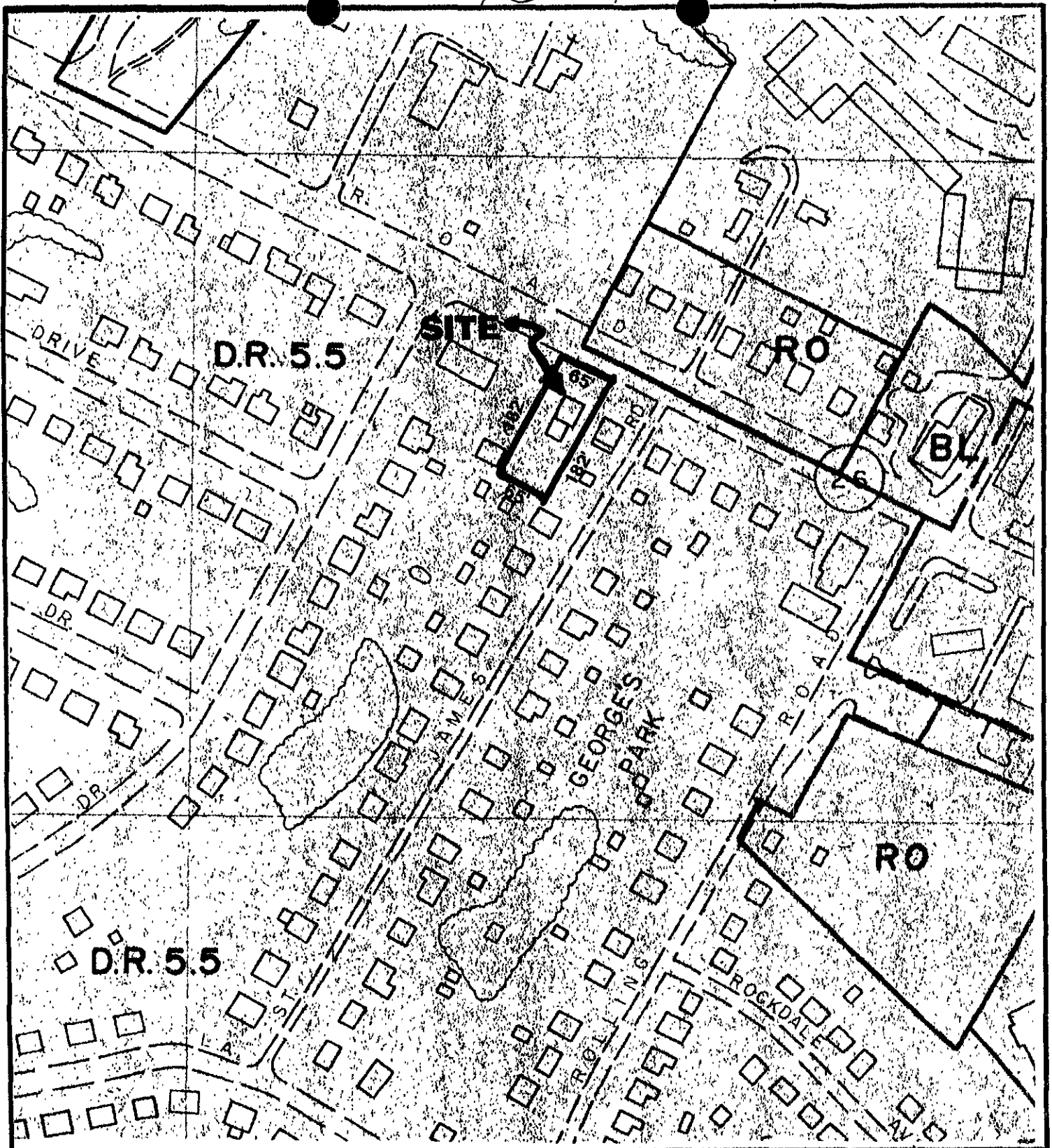


**VIEW FROM SOUTHEAST CORNER**

**MICROFILMED**

ITEM # 126

95-126-A



WILLIAM MONK, INC.  
PLANNING, LANDSCAPE DESIGN  
ENVIRONMENTAL RESOURCE MANAGEMENT  
COURTHOUSE COMMONS  
222 BOSLEY AVENUE, SUITE B-7  
TOWSON, MD 21204  
(410) 494-8931

**ZONING MAP**  
TO ACCOMPANY  
**ADMINISTRATIVE VARIANCE**  
**APPLICATION**  
8315 LIBERTY ROAD  
BALTIMORE COUNTY, MARYLAND

MAP #:  
NW-6-H

SCALE:  
1"=200'

FILE #:  
94-90

ITEM # 126

95-106-4



LIBERTY ROAD  
NORTHSIDE



LIBERTY ROAD  
SOUTHSIDE

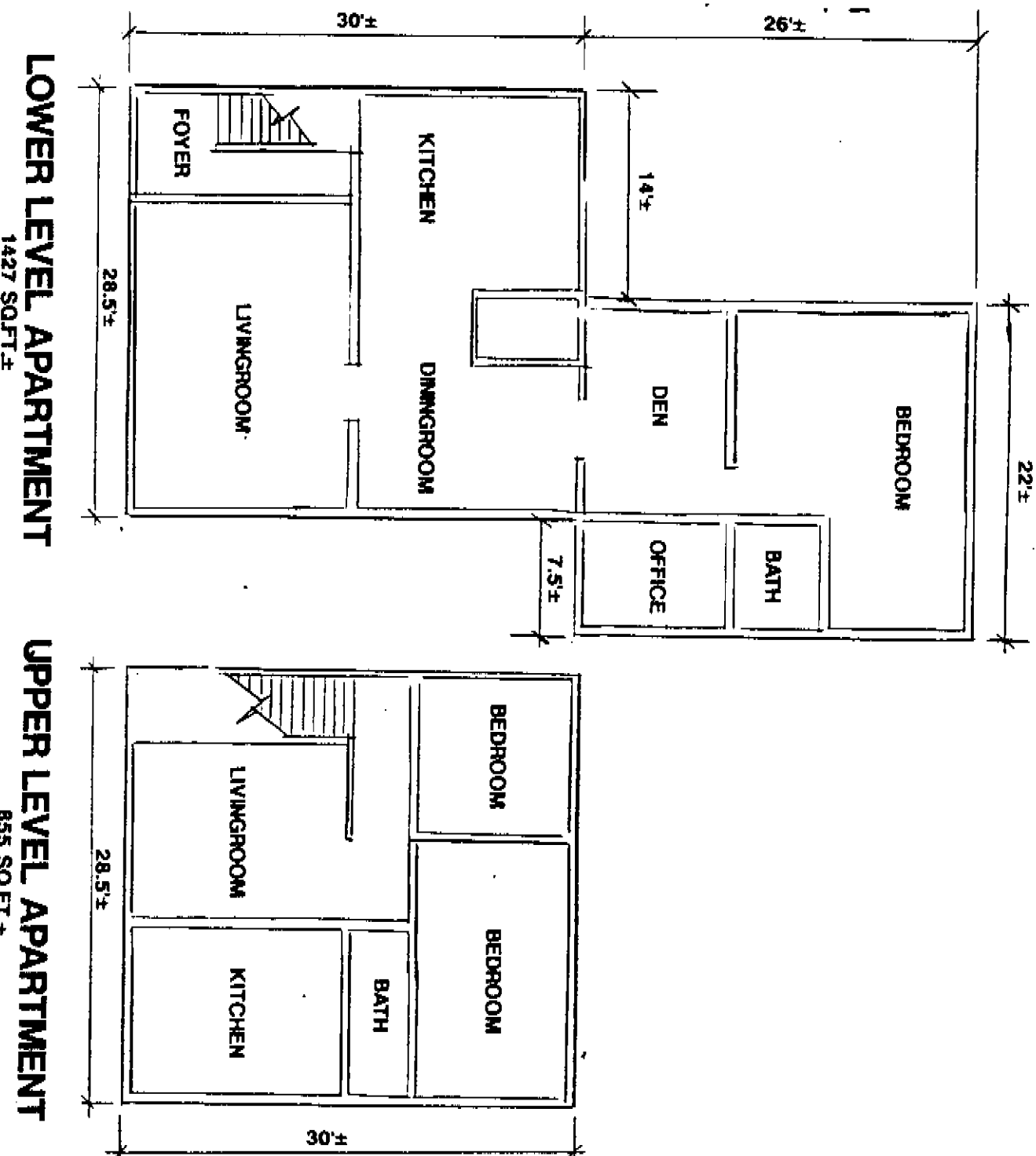
SUBJECT  
PROP.

ITEM # 1246

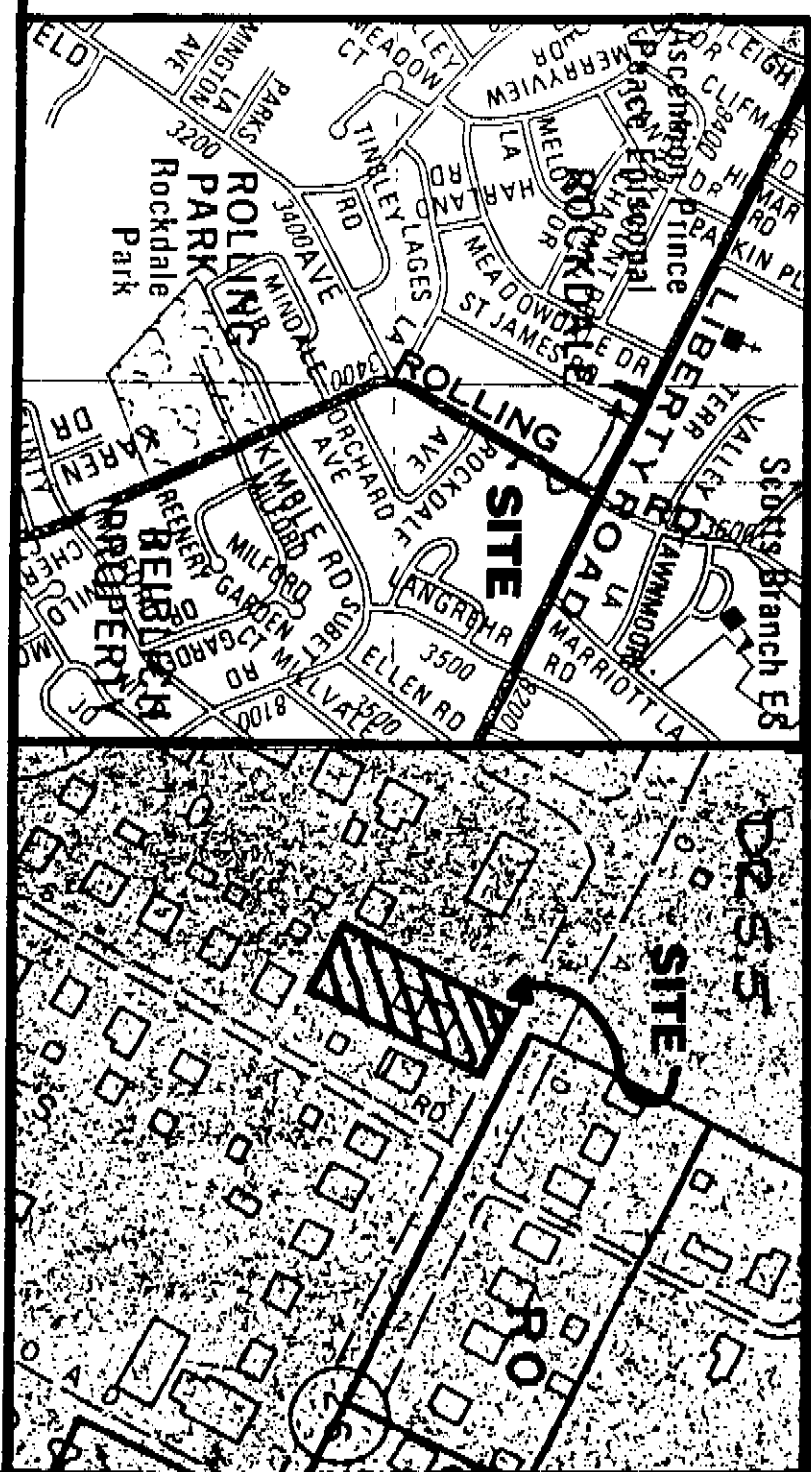
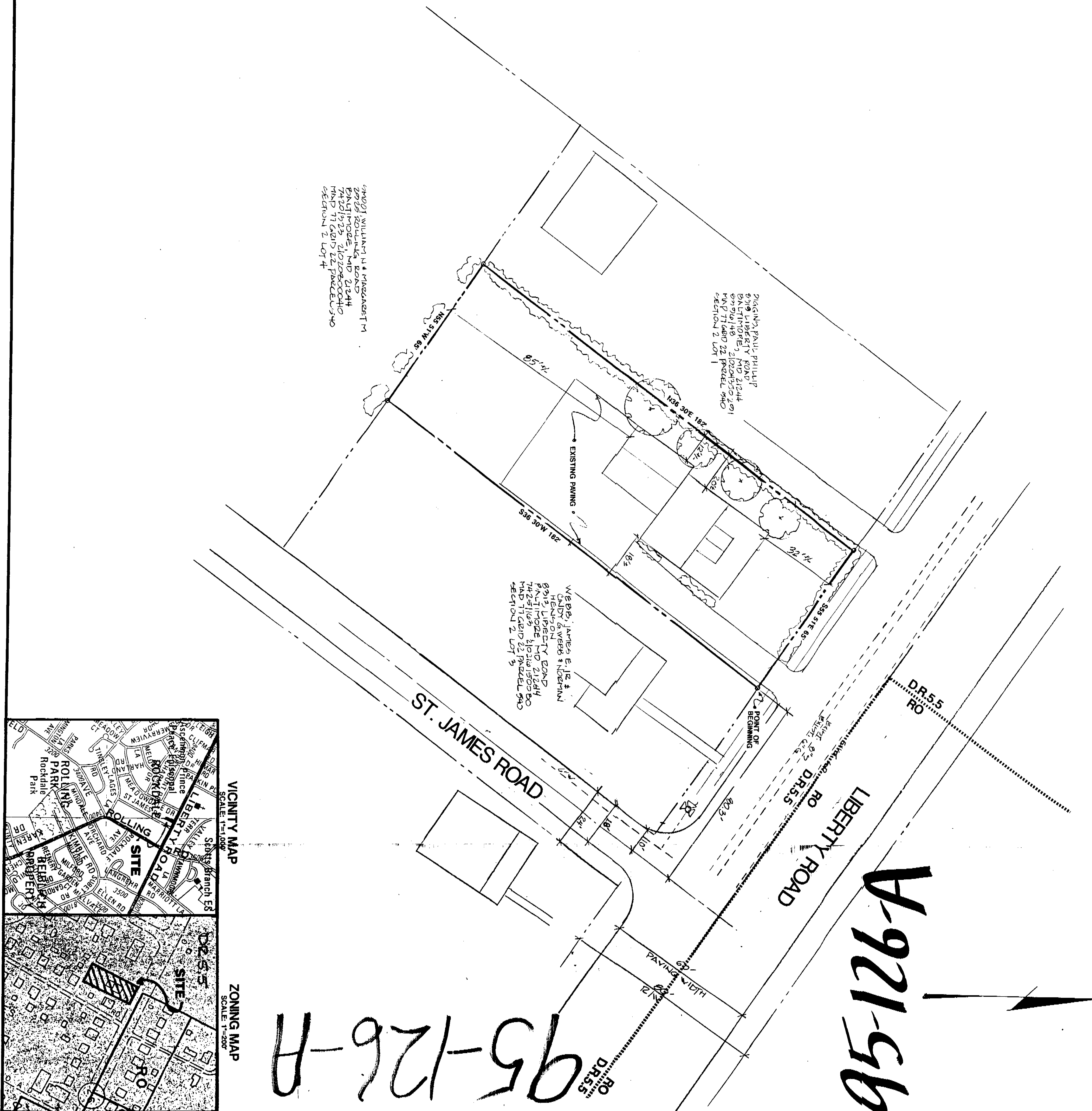


NOTES:

1. ZONING: D.R.5.5
2. OWNERSHIP: DAVID L. MOESLEIN & MARY M. MOESLEIN  
8315 LIBERTY ROAD  
BALTIMORE, MD 21244
3. DEED REFERENCE: 6176914
4. TAX MAP: 77, GRID 22, PARCEL: 540, PLAT: 1, LOT: 2
5. TAX ACCOUNT NUMBER: 0204080030
6. ELECTION DISTRICT: 2
7. COUNCILMANIC DISTRICT: 2
8. CENSUS TRACT: 4023.02
9. PREVIOUS ZONING CASES: NONE
10. PREVIOUS PERMITS: NO RECORDS AVAILABLE
11. SITE AREA:  
NET: 11,830 +/- SQ. FT. (27 A +/-)  
GROSS: 13,780 +/- SQ. FT. (32 A +/-)
12. BUILDING AREA: 1,427 SQ. FT. (1ST FLOOR)  
553 SQ. FT. (2ND FLOOR)  
2,382 SQ. FT. TOTAL
13. BUILDING HEIGHT: 2 STORY
14. EXISTING USE: DUPLEX (RESIDENTIAL)  
PROPOSED USE: SAME
15. FRONT SETBACK AVERAGE: NOT APPLICABLE - NO NEW CONSTRUCTION PROPOSED
16. UTILITIES: PUBLIC SEWER AND WATER
17. STRUCTURE TO BE IN COMPLIANCE WITH BUILDING CODE AND FIRE CODE REQUIREMENTS
18. SETBACKS: REQUIRED PROVIDED  
FRONT: 15' 31' +/-  
SIDE: 15' 30' +/-  
REAR: 30' 85' +/-  
\* VARIANCE REQUIRED SEE NOTE # 22
19. WIDTH OF LOT:  
REQUIRED: 80'  
PROVIDED: 65'  
\* VARIANCE REQUIRED SEE NOTE # 22
20. LOT AREA:  
REQUIRED: 10,000 SQ. FT.  
PROVIDED: 11,830 SQ. FT.
21. NOTE: SEPARATE COOKING FACILITIES AND SEPARATE BATHROOM HAVE BEEN PROVIDED FOR EACH UNIT PURSUANT TO SECTION 402.2
22. VARIANCES:  
A) SECTION 402.1 FOR SIDE YARD SETBACK OF 17' +/- AND A TOTAL SIDE/REAR SIDE YARDS OF 30' +/- IN LIEU OF THE REQUIRED 15' AND 15' RESPECTIVELY.  
B) SECTION 402.1 FOR A LOT WIDTH OF 65' IN LIEU OF THE REQUIRED 80'.



THROUGH WILLIAM MONK, INC. MANAGEMENT  
2008 BOWLING ROAD  
BALTIMORE, MD 21244  
THAT THE 2008 BOWLING ROAD  
AND 77 GRID 22 PARCEL 540  
SECTION 2 LOT 4



WILLIAM MONK, INC  
PLANNING • LANDSCAPE DESIGN

COURTHOUSE COMMONS  
222 BOSLEY AVENUE, SUITE B-7  
TOWSON, MARYLAND 21204  
(410) 494-8831

**SITE PLAN TO ACCOMPANY  
ADMINISTRATIVE VARIANCE APPLICATION**

8315 LIBERTY ROAD  
BALTIMORE COUNTY, MARYLAND

MICROFILMED

APPLICANT:  
DAVID L. MOESLEIN & MARY M. MOESLEIN  
8315 LIBERTY ROAD  
BALTIMORE, MD 21244

REVISIONS:

DATE: 9/30/94  
JOB NO. 94-90  
SCALE: 1"=20'